

September 8, 2003

Ms. Tricia Knight
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

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SEP 11 2003

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Dear Ms. Knight:

Pursuant to Article II, Section 10(d) of the California Constitution, we are submitting the attached proposed statewide ballot measure "The Family Communication and Parental Responsibility Act" to your office and request that you prepare a title and summary of the measure as provided by law. We have also included with this letter the required signed statement under California Elections Code section 9608, and a check in the amount of \$200.

Thank you for your time and attention to this important matter. Should you have any questions or require additional information, please contact Mr. Tom Hiltachk, Bell, McAndrews, Hiltachk & Davidian, LLP, 455 Capitol Mall, Suite 801, Sacramento, CA 95814, Phone: (916) 442-7757.

Very Truly Yours,

Rosemarie Avila

Mary Vogelzang

AFFIDAVIT

I, Rosemarie I. Avila, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Rosemarie I. Avila

Dated this 8th day of September 2003

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

AFFIDAVIT

I, Mary Vogelzang, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Mary Vogelzang

Dated this 8 day of Sept, 2003

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

The Attorney General of California has prepared the following title and summary of the chief purposes and points of the proposed measure:

[insert 500 word title and summary]

To the Honorable Secretary of State of California:

We the undersigned, registered, qualified voters of California, residents of the afore-described County (or City and County), on the signature page of this petition section, hereby propose an amendment to the Constitution of the state of California and a statutory amendment to the Health and Safety Code relating to parental notification prior to the performance of an abortion on a pregnant minor, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to the general election or otherwise provided by law. The proposed amendment reads as follows:

SECTION 1. Title.

This amendment shall be known and may be cited as the Family Communication and Parental Responsibility Act.

SECTION 2. Declarations of Findings and Purposes.

(a) The People of California have a special and compelling interest in, and responsibility for, protecting the health and well-being of children, ensuring that parents are timely informed of potential health-related risks to their children, and promoting the parent-child relationship.

(b) The People find that there exists a compelling and important State interest in protecting minors, in fostering the family structure and preserving it as the primary social unit, and in protecting the rights of parents and children. A minor faced with medical, psychological and emotional decisions, like abortion, with serious and lasting consequences, is better able to make fully informed choices with open communication with her parents. Currently, a pregnant minor, as young as 13 or 14, can now obtain an

abortion without any notification to her parents whatsoever. Further, parents who are aware that their minor daughter is considering an abortion, or has had an abortion are better able to secure for her the best medical attention. Parental consultation regarding abortion is desirable and in the best interest of the minor.

(c) Thirty-four other states, including Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia and Wyoming have enacted parental notification laws.

(d) The United States Supreme Court has upheld the constitutionality of parental notification laws substantially similar to the provisions of this Act.

SECTION 3. Parental Notification

Section 32 of Article 1 of the California Constitution is added to read:

SEC. 32. Notwithstanding Article 1, Section 1, or any other provision of this Constitution, except in a medical emergency requiring immediate medical action, or when a waiver of notification has been obtained pursuant to state law, no abortion shall be performed upon a pregnant unemancipated minor until the physician has first provided notice to one of her parents or to her legal guardian pursuant to state law. Nothing in this Section shall be construed to grant, secure, or deny any right relating to abortion or the funding thereof.

Section 123450 of the Health and Safety Code is added to read:

Section 123450. (a) For purposes of this section and this Act, the following terms shall be defined to mean:

(1) "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. Such use, prescription or means is not an abortion if done with the intent to:

- (A) save the life or preserve the health of the unborn child,
- (B) remove a dead unborn child caused by spontaneous abortion; or
- (C) remove an ectopic pregnancy.

(2) "Medical emergency" means a condition which, on the basis of the physician's good-faith clinical judgment, so complicates the medical condition of a pregnant